

5/10/07
#1

Maryjane Kenney

From: Roland Bartl
Sent: Wednesday, May 09, 2007 2:55 PM
To: 'Schnorr, Thomas'
Cc: Don Johnson; Don MacKenzie; Board of Selectmen
Subject: Tomorrow's STM on Wireless Moratorium
Attachments: Planning Board meeting last night; Scan001.PDF

Tom:

Attached is Kristin Alexander's (my assistant) report from the Planning Board's hearing last night. Also attached is a 3-part motion that Sidney Johnston submitted with a request to give it to the Moderator and Manager. I have received your message wishing to touch base before tomorrow. I wanted you to have chance to see these before we talk - or perhaps we need to put our collective heads together to sort through this. I will be in a meeting starting at 3 and will try call you later.

I also just spoke with the Planning Board Chairman who confirmed Kristin's report. In essence, the Planning Board deferred its recommendation and ask that the items in Kristin's report be looked into and either properly explained that the articles covers the concerns, or that appropriate amendments be moved to correct any flaws. The Board felt that they did not have sufficient understanding of the issues in question to make a recommendation for amendments to the article. Therefore, the request to look into the questions and then do what is best to have an effective moratorium. The Chairman told me that with these questions addressed appropriately the Board would recommend the article.

*Roland Bartl, AICP
Planning Director, Town of Acton
472 Main Street
Acton, MA 01720
978-264-9636*

5/10/2007

Maryjane Kenney

From: Kristin Alexander
Sent: Wednesday, May 09, 2007 8:10 AM
To: Roland Bartl
Cc: Kim DelNigro
Subject: Planning Board meeting last night
Importance: High

Hi Roland:

I just wanted to let you know about the action items that came out of the Planning Board meeting last night.

Public Hearing - Cell Tower Moratorium

- The Board made 3 motions. To summarize (Kim can explain in more detail):
 - A motion was made to recommend the article. It was voted down.
 - The Board voted to defer their recommendation on the article.
 - The Board voted for the Selectmen to have Town Counsel address 2 main issues the citizens brought up at the hearing re: the proposed zoning language:
 - In 3.11.5 - change "Section 3.10.5" to "Section 3.10.5 1" - the Board supports this change. (I tried explaining 3.10.5.2 to the Board. They still supported the change.)
 - What do Town Boards do if someone submits a cell tower application during the moratorium (the language is not clear on this)? Is the Board supposed to accept it (even though they can't approve it)? Basically - what is the process?
- (the Planning Board generally supports the moratorium - but wants to hear if Town Counsel believes the article addresses these issues before they recommend the article at Town Meeting)
- Sydney Johnston brought to the hearing revised moratorium language (so in other words, a revised motion on the article for Town Meeting). Greg asked him to give it to me to pass along to Don Johnson to provide to the Selectmen. Kim has it. After the Planning Board meeting, Sydney asked me to ask Don to pass it along to the Town Moderator. I said "OK - no problem" (I assumed that Don would be speaking with the Town Moderator about it anyway). But this morning it occurred to me that Don might not want to be the middle man at all between Sydney and the Town Moderator. If that is the case, someone will need to contact Sydney to say that he needs to contact the Town Moderator directly.
- Alan Mertz will stand up at Town Meeting to provide the Planning Board's recommendation and to speak for the Board if necessary. But the Board acted pretty easy going about this request - i.e., others also said, "well, I'll be there too." So we might want to touch base with Alan just to let him know what could, if anything, be involved.
- Bruce Reichlin asked if the language in 3.11.3 ("no wireless communications facility OR STRUCTURE APPURTENANT OR ACCESSORY TO A WIRELESS COMMUNICATION FACILITY SHALL BE CONSTRUCTED...") prevents the improvements from being made to the 982 Main Street site. We were told to ask Counsel about this. The Board thought later in the hearing that 3.11.5 might cover it by exempting 3.10.5, but I'm not sure - so I still wanted to check on this.

Ellsworth Village

- The Board directed Roland to start drafting zoning amendments for the next available Town Meeting to change the Senior Residence language to allow alternatives to on-site affordable units. Also, in their opinion, if off-site units are allowed, they shouldn't be age restricted because the goal is to get affordable housing (in general) in town.

820 Main St./982 Main St. Cell Towers

- Staff is to find out who the contact person is for Verizon Land Line so the Town can put pressure on them to keep moving on the 982 Main St. cell tower upgrades.
- Staff is to find out from Mr. Albani (spelling?) - the Crown Castle rep. - his bosses name and contact information. Greg wants to recognize him at a Planning Board meeting for his cooperation/work on the matter.

5/9/2007

Other

- I skimmed the large document the Planning Dept. received around 5:00 PM yesterday. You should read the list of names at the end of the document.

I hope this makes sense. If you need me today, please call my cell phone - I'll carry it around: 508-333-8159.
Thanks. Have a good day!

Kristin

5/9/2007

Motion for Amendment of Warrant Article
Acton Special Town Meeting, May 10, 2007.

MAY 8 2007

Motion for Amendment of Published Warrant Article for Town of Acton Special Town
Meeting scheduled for May 10, 2007.

Mr. Johnston moves,

Amend the published warrant article as follows:

clause
A. Add a WHEREAS as follows:

WHEREAS the citizens of Acton desire to control placement and appearance of Wireless communications Facilities, their structure appurtenant, and their accessories, in order to protect Public Schools and Public School Playgrounds from the attractive nuisance which a wireless communications facility provides, and in order to protect residential neighborhoods from the visual blight and loss of property values caused by unsightly wireless communications facilities placed near homes of citizens;

B. Amend Paragraph 3.11.3 as follows:

Delete the published Paragraph 3.11.3 and replace it by the following new Paragraph:

“For so long as this temporary moratorium remains in effect, no application for the construction of a telecommunications facility is to be accepted by the Town of Acton, and in furtherance of this temporary moratorium all Town elected officials, the Town Clerk of Acton, Employees, Departments, and Committees including the Planning Board, are hereby directed to not accept any application for construction of a Telecommunications facility in Acton; and no wireless

Motion for Amendment of Warrant Article
Acton Special Town Meeting, May 10, 2007.

communications facility or structure appurtenant or accessory to a wireless communication facility shall be constructed, nor shall any building permit, special permit, variance or site plan approval decision for any such facility be issued in the Town of Acton; and further, no act by any person in attempting to file an Application for construction of a telecommunications facility shall grandfather such Application under zoning Bylaws of the Town of Acton in effect on the date that such act is made.”

C. At Paragraph 3.11.5, in the second line, delete the words “Section 3.10.5” and substitute therefor the new words “Section 3.10.5.1”.